

AMENDED IN SENATE MAY 16, 2000

AMENDED IN SENATE APRIL 3, 2000

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN ASSEMBLY MAY 18, 1999

AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1494**

**Introduced by Assembly Member Wildman**

February 26, 1999

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An act to amend Sections 13540, 13541, and 13542 of, and to add and repeal Section 13543 of, the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1494, as amended, Wildman. Peace officers.

Under existing law, any person or persons desiring peace officer status who, on January 1, 1990, were not entitled to that status under specified provisions of law, are authorized to request the Commission on Peace Officer Standards and Training (POST) to undertake a feasibility study regarding the designation of that person or persons as a peace officer.

This bill would authorize any person or persons who are designated as peace officers under specified provisions of law, and who desire a change in their peace officer designation or status, to request POST to undertake a study to assess the need

for that change. This bill would also require persons who are designated as peace officers to meet specified conditions in order to obtain a change in their peace officer designation or status.

The bill would also require that any study regarding a change in their peace officer status or designation must include, but not be limited to, the current and proposed duties and responsibilities of the persons employed in the category seeking the designation change and their field duties and responsibilities, and the extent to which their current duties and responsibilities require additional peace officer powers and authority.

The bill would require POST to issue within a specified timeframe a study and recommendations to the Los Angeles Unified School District Police Department regarding changing the peace officer designation of that department's school police. *The bill would, upon a request for that study from the Los Angeles Unified School District Police Department, authorize POST to charge the police department a fee, not to exceed the actual costs of undertaking the study.* This bill would repeal these provisions on January 1, 2002, unless a later enacted statute, that is enacted before January 1, 2002, deletes or extends that date.

This bill would declare that is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13540 of the Penal Code is  
 2 amended to read:  
 3 13540. (a) Any person or persons desiring peace  
 4 officer status under Chapter 4.5 (commencing with  
 5 Section 830) of Title 3 of Part 2 who, on January 1, 1990,  
 6 were not entitled to be designated as peace officers under  
 7 that chapter shall request the Commission on Peace  
 8 Officer Standards and Training to undertake a feasibility  
 9 study regarding designating that person or persons as  
 10 peace officers. The request and study shall be undertaken

1 in accordance with regulations adopted by the  
2 commission. The commission may charge any person  
3 requesting a study, a fee, not to exceed the actual cost of  
4 undertaking the study. Nothing in this article shall apply  
5 to or otherwise affect the authority of the Director of  
6 Corrections, the Director of the Youth Authority, the  
7 Director of the Youthful Offender Parole Board, or the  
8 Secretary of the Youth and Adult Correctional Agency to  
9 designate peace officers as provided for in Section 830.5.

10 (b) Any person or persons who are designated as  
11 peace officers under Chapter 4.5, (commencing with  
12 Section 830) of Title 3 of Part 2, and who desire a change  
13 in peace officer designation or status, shall request the  
14 Commission on Peace Officer Standards and Training to  
15 undertake a study to assess the need for a change in  
16 designation or status. The request and study shall be  
17 undertaken in accordance with regulations adopted by  
18 the commission. The commission may charge any person,  
19 agency, or organization requesting a study, a fee, not to  
20 exceed the actual cost of undertaking the study.

21 SEC. 2. Section 13541 of the Penal Code is amended  
22 to read:

23 13541. (a) Any study undertaken under this article  
24 shall include, but shall not be limited to, the current and  
25 proposed duties and responsibilities of persons employed  
26 in the category seeking the designation change, their  
27 field law enforcement duties and responsibilities, their  
28 supervisory and management structure, and their  
29 proposed training methods and funding sources.

30 (b) A study undertaken pursuant to subdivision (b) of  
31 Section 13540 shall include, but shall not be limited to, the  
32 current and proposed duties and responsibilities of the  
33 persons employed in the category seeking the  
34 designation change and their field law enforcement  
35 duties and responsibilities, and the extent to which their  
36 current duties and responsibilities require additional  
37 peace officer powers and authority.

38 SEC. 3. Section 13542 of the Penal Code is amended  
39 to read:

1 13542. (a) In order for the commission to give a  
2 favorable recommendation as to a change in designation  
3 to peace officer status, the person or persons desiring the  
4 designation change shall be employed by an agency with  
5 a supervisory structure consisting of a chief law  
6 enforcement officer, the agency shall agree to comply  
7 with the training requirements set forth in Section 832,  
8 and shall be subject to the funding restriction set forth in  
9 Section 13526. The commission shall issue the study and  
10 its recommendations to the requesting person or agency  
11 within 18 months of the mutual acceptance of a contract  
12 between the requesting person or agency and the  
13 commission. A copy of that study and recommendations  
14 shall also be submitted to the Legislature.

15 (b) (1) In order for the commission to give a favorable  
16 recommendation as to a change in peace officer  
17 designation or status, the person or persons desiring the  
18 change in peace officer designation or status shall be  
19 employed by an agency that is currently participating in  
20 the Peace Officer Standard Training program.

21 (2) If the designation change is moving the person or  
22 persons into Section 830.1, the person or persons shall  
23 obtain the basic certificate issued by the Commission on  
24 Peace Officer Standards and Training, set forth in Section  
25 832.4.

26 (3) The commission shall issue the study and its  
27 recommendations, as specified in subdivision (b) of  
28 Section 13540, to the requesting person or persons, within  
29 12 months of the mutual acceptance of a contract  
30 between the requesting person or agency and the  
31 commission, or as soon as possible thereafter if the  
32 commission shows good cause as to the need for an  
33 extension of the 12-month time period.

34 (4) A copy of that study and recommendation shall  
35 also be submitted to the Legislature.

36 SEC. 4. Section 13543 is added to the Penal Code, to  
37 read:

38 13543. (a) Notwithstanding the provisions of  
39 paragraph (3) of subdivision (b) of Section 13542, the  
40 commission shall issue a study and its recommendations

1 to the Los Angeles Unified School District Police  
2 Department for a change in peace officer designation of  
3 that department's school police from Section 830.32 to  
4 Section 830.1 nine months from the date of whichever of  
5 the following occurs last:

6 (1) This section becomes effective.

7 (2) The commission has received a request for that  
8 study *from the Los Angeles Unified School District Police*  
9 *Department.*

10 (b) *The commission may charge the Los Angeles*  
11 *Unified School District Police Department a fee, not to*  
12 *exceed the actual costs of undertaking the study.*

13 (c) The commission shall submit a copy of its study and  
14 recommendations prepared pursuant to subdivision (a)  
15 to the Legislature.

16 ~~(e)~~

17 (d) This section shall remain in effect only until  
18 January 1, 2002, and as of that date is repealed, unless a  
19 later enacted statute, that is enacted before January 1,  
20 2002, deletes or extends that date.

21 SEC. 5. This act is an urgency statute necessary for the  
22 immediate preservation of the public peace, health, or  
23 safety within the meaning of Article IV of the  
24 Constitution and shall go into immediate effect. The facts  
25 constituting the necessity are:

26 In order to provide for the preservation and  
27 enhancement of public safety through the examination of  
28 the potential for improved enforcement of the law at the  
29 earliest possible time, it is necessary for this act to take  
30 effect immediately.

